REMARKS

Applicant has studied the Office Action of 31 July 2003 and offers the following remarks to accompany the above amendments.

Initially, Applicant amends the specification to correct a typographical error. No new matter is added.

Claims 1-11 and 19 were rejected under 35 U.S.C. § 102(e) as being anticipated by Danne et al. (hereinafter "Danne"). Applicant appreciates the explanations offered for the rejection and the citations to specific portions of the reference to support the rejection. However, Applicant respectfully traverses. For the Patent Office to show that a claim is anticipated, the reference cited by the Patent Office must show each and every claim element. Further, the elements of the reference must be arranged as claimed. MPEP § 2131.

In the present case, as a preliminary matter, the Patent Office admits that claims 5, 7, and 8 include elements that are not shown by Danne. Thus, claims 5, 7, and 8 cannot be anticipated by Danne. Applicant requests withdrawal of the § 102 rejection of claims 5, 7, and 8 at this time.

Applicant respectfully traverses the anticipation rejection of claims 1 and 19. Claims 1 and 19 both recite that the client terminal controller is "adapted to retrieve information about the incoming caller . . . ." The Patent Office has defined the terminal as element 12 of Danne and the terminal controller as an inherent feature of terminal 12. However, the terminal 12 of Danne does not retrieve this information. As explained in Danne at column 2, lines 42-48 and 57-61, node 16 retrieves the additional information, and sends the information to the terminal 12. In contrast, the specification of the present invention describes that the client terminal controller 18 retrieves information about the caller. (See specification page 9, line 24 - page 10, line 2). The claim language mirrors this portion of the specification. Thus, the elements of the reference are not arranged as claimed. To this extent, Danne cannot anticipate claims 1 or 19. Since claim 1 is not anticipated, claims 2-11, which depend therefrom are not anticipated. Applicant requests withdrawal of the § 102 rejection of claims 1-11 and 19 on these grounds.

Further, Danne does not show the synchronized signals being sent to the terminal and the terminal controller. Claim 1 recites "a terminal proxy server . . . for sending synchronized signals to the client terminal and the client terminal controller . . . ." The plural use of "signals" requires at least two signals be sent. If, as the Patent Office opines, element 14 of Danne is the terminal proxy server, then it is clear that element 14 does not perform the recited function

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because element 14 only sends one signal to the terminal 12. The specification of the present invention states "TPS 14 . . . simultaneously sends a . . . signal to client terminal 16 (Figures 1-6) and [a] . . . signal to client terminal controller 18 (Figures 1-6) . . . ." The claim language reflects this teaching of the specification through the element "sending synchronized signals to the client terminal and the client terminal controller. . . ." Thus, Danne cannot anticipate claim 1 or its dependents. Applicant requests withdrawal of the § 102 rejection of claims 1-11 on these grounds as well.

Claim 5 was rejected under 35 U.S.C. § 103 as being unpatentable over Danne in view of Acker et al. Applicant respectfully traverses. For the Patent Office to establish *prima facie* obviousness, the Patent Office must show where each and every element of the claim is taught or suggested by the combination of references. MPEP § 2143.03.

With respect to claim 5, Danne does not show all of the claim elements as explained above. Nothing in Acker et al. cures this deficiency. Thus, in combination, the references cannot teach or suggest all the claim elements, and the claim is non-obvious over the rejection.

Claim 8 was rejected under 35 U.S.C. § 103 as being unpatentable over Danne in view of Selker. Applicant respectfully traverses. The standard for obviousness is set forth above. Interestingly, claim 8 depends from claim 7, and claim 7 was rejected under Danne, Selker and Tidwell et al. Since claim 8 includes the elements of claim 7, and the Patent Office admits that Danne and Selker do not teach the set top box of claim 7, Danne and Selker cannot establish *prima facie* obviousness with respect to claim 8. This alone is sufficient to overcome the rejection.

The combination of Danne and Selker has a further problem in that Danne does not show all the claim elements of underlying claim 1 as explained above. Nothing in Selker cures this deficiency. Thus, in combination, the references cannot teach or suggest all of the claim elements, and the claim is non-obvious over the rejection.

Applicant further traverses the rejection of claim 8 on the grounds that the motivation to combine proffered by the Patent Office is not compelling. The Patent Office opines that the motivation would be to allow for graphics to be displayed. However, Danne already has a display that can display graphics, and thus, there would be no need to combine Danne with another graphical display. See, for example, Danne's incoming call window described at column

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3, lines 38-40, which contains "buttons," which are graphics. Thus, the Patent Office has not provided a compelling reason why Danne would be combined with Selker.

Claim 7 was rejected under 35 U.S.C. § 103 as being unpatentable over Danne in view of Selker and further in view of Tidwell et al. Applicant respectfully traverses. The standard for obviousness is set forth above. With respect to claim 7, the arguments about the deficiencies of Danne in combination with Selker are set forth above and applicable here. Likewise, the motivation to combine the references proffered by the Patent Office is deficient for the same reasons. Further, nothing in Tidwell et al. cures the deficiencies of the underlying combination. Thus, the combination does not show all of the claim elements, and the Patent Office has failed to establish *prima facie* obviousness.

Applicant requests reconsideration of the rejection in light of the arguments presented herein. Specifically, the references do not show the terminal controller retrieving the information nor do they show the synchronized signals. Applicant requests claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

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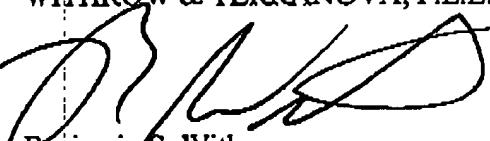
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